

Out of the Shadows Index: Argentina

The Out of the Shadows Index

Every year, more than 400 million children are exposed to child sexual exploitation and abuse (CSEA). The [Out of the Shadows Index](#), developed by [Economist Impact](#), reviews the performance of 60 countries in addressing CSEA, assessing each country's approach to prevention and response. The countries covered by the research are home to 85% of the world's children. The regional report for Latin America and the Caribbean focuses on Argentina, Brazil, Colombia, El Salvador, Guatemala, Mexico, Peru, Venezuela and Jamaica.

A summary of trends across Latin America and the Caribbean

Latin America and the Caribbean ranks above the global average in its response to child sexual exploitation and abuse, which covers elements like the provision of support and recovery services for victims and survivors, and child-friendly justice proceedings. This performance is driven by generally strong judicial systems, social protection and child-friendly medical care systems.

By contrast, the region is weaker with regards to measures to prevent sexual exploitation and abuse of children, which includes national action plans and effective legislation. There are substantial gaps in the legislation across the majority of countries in the region with regards to the criminalisation of all forms of child sexual abuse and exploitation. The majority of countries also lack rehabilitation programmes for those who commit sexual offences against children to reduce reoffending. No country included in the Index was found to have mandatory rehabilitation programmes for children and young people who have committed sexual offences.

Only four countries have developed a national plan to combat sexual violence against children (Mexico, Brazil, El Salvador, Guatemala), though only Brazil had an identifiable source of funding to implement its national plan. National plans developed previously in Argentina, Colombia, Jamaica, Peru and Venezuela had all expired by 2022.

Child-friendly court processes that avoid retraumatising child victims of sexual exploitation and abuse are beginning to be adopted across the region. Brazil, Guatemala and Mexico have introduced programmes to train judges and prosecutors in child-friendly procedures, trauma and sexual abuse, but the research found limited evidence of this approach in other countries. Confidence in justice and law enforcement remained low compared to other regions covered by the Index.

Context and findings for Argentina

While the Out of the Shadow Index does not focus on the scale of sexual violence against children, it is worth noting recent statistics on the scale of the issue in Argentina. According to recent Ministry of Justice [data](#), there were 14,424 child victims of sexual violence registered between 2017 and 2022, noting a 126% increase in the number of complaints. Children represent 58% of the total number of sexual abuse victims in the country, and six out of every 10 child victims were girls, with perpetrators being known to the victims in 85% of cases.

Out of the 60 countries covered by the Out of the Shadows Index, Argentina ranked 50th globally, scoring 41.5 out of a possible 100. This makes Argentina the lowest scoring country covered by the research within Latin America and the Caribbean.

There are substantial gaps in Argentina's criminal law with regards to sexual abuse of children and the country has allowed its **national action plan** on addressing CSEA to expire. The absence of a **specialised police agency** dedicated to CSEA is also a substantial gap in the national response. Neither are there specialised police units to respond to **online CSEA**. These are necessary for providing child- and victim-friendly training and investigations. By contrast, the provision of **medical care to respond to CSEA** in the country is a strong point. In addition, Argentina is one of only two countries within the region included in the OOSI that offers **abortion** to girls in cases where their sexual abuse resulted in pregnancy.

In terms of legislation that protects children against sexual abuse and exploitation in Argentina, national law sets the **age of sexual consent** at 13, but then establishes different offences and punishments that vary according to the age of the child. According to the Index, these offences do not address all forms of sexual violence that would be necessary in order to meet international standards. The gap is the result of poorly-defined sexual offences, such as 'corruption of a minor', which risks being interpreted differently by judges and prosecutors. Argentinian law also fails to set a **higher age of consent when a person committing an offence is in a position of trust or authority** over a child in order to protect older children.

Issue in focus: Argentina's statute of limitations

Unlike its regional neighbours Colombia and El Salvador, Argentina has not eliminated the limitation periods for CSEA. The statute of limitations (SoL) was last [amended](#) in 2015 to start running from: 1) after the victim files a complaint anytime after reaching the age of 18, 2) they ratify the complaint made by their parents or guardians when the victim was still a child, or 3) in the event of death of the victim as a result of the abuse, from midnight on the day on which they would have turned 18. However, the maximum limitation period for a sexual offence against a child is 15 years. This means that, after making a complaint, if a survivor decides not to proceed or take a break for any reason, the statute of limitations would nonetheless continue running, and would eventually expire.

Eliminating the SoL allows victims and survivors - many of whom can take decades to disclose their abuse because of trauma - to report their case and pursue justice before the courts whenever they are ready to do so. There is now [debate](#) in Argentina about eliminating the SoL altogether for CSEA.¹ In June 2022, the Movimiento Derecho al Tiempo Argentina (Right to Time Movement of Argentina) submitted to the Chamber of Deputies the draft bill "[Right to Time](#)" (Case number 0051-P-2022) proposing the elimination of the SoL for the various crimes of child sexual violence, changes in the terminology used to define sexual offences, and the establishment of a truth commission to investigate these crimes nationwide.

Further resources:

- [The Out of the Shadows Index: global ranking and data](#)
- [Regional report on Latin America](#) and [country briefings](#).
- [Methodology used in developing the Index](#)
- [Violence against children in Latin America and the Caribbean 2015-2021](#)

¹ Similar discussions have emerged in [Mexico](#) and [Paraguay](#).